

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JIMMY L. BANKS, *et al.*,

Plaintiffs,

vs.

FREDDIE MAC, *et al.*,

Defendants.

Case No. 2:11-cv-00648-GMN-CWH

ORDER

This matter is before the Court on Plaintiff's Motion to Produce Documents and Tangible Things or to Enter onto Land under Federal Rule of Civil Procedure 34 (#58), filed on November 28, 2012.

Plaintiff requests that Defendants produce all documents specified within his first set of discovery requests and permit him to enter and inspect an identified property. After careful review, the Court finds that Plaintiff's request must be denied for a couple of reasons.¹ First, Plaintiff's request is not styled as a motion and thus, fails to comply with Local Rule 26-8. It appears to be a written discovery request that, pursuant to Local Rule 26-8, should not be filed with the court. Second, Plaintiff's request fails to comply with Federal Rule of Civil Procedure 37, which directs a party filing a motion to compel to "include a certification that the movant has in good faith attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). Plaintiff's request lacks any such certification that he met and conferred with Defendants on this matter.

Based on the foregoing and good cause appearing therefore,

¹ The Court notes that Defendants failed to submit points and authorities in response to Plaintiff's request. Local Rule 7-2 specifies that such a failure to respond constitutes consent to the granting of the motion. However, in this case, the Court declines to grant Plaintiff's request for the reasons specified above.

1 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Produce Documents and Tangible
2 Things or to Enter onto Land under Federal Rule of Civil Procedure 34 (#58) is **denied without**
3 **prejudice.**

4 DATED this 17th day of December, 2012.

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8 **C.W. Hoffman, Jr.**
9 **United States Magistrate Judge**
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